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EXAMINER

TUCKER, WESLEY J

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SHELL S. SIMPSON, WARD S. FOSTER,
and KRIS R. LIVINGSTON

Appeal 2008-005843
Application 09/874,191
Technology Center 2600

Decided: August 31, 2009

Before KENNETH W. HAIRSTON, MAHSHID D. SAADAT,
and CARLA M. KRIVAK, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) from a Final Rejection of claims 1-10, 12-19, and 21-23. Claims 11 and 20 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellants' invention relates to transferring scanned imaging data from a scanning device to a personal imaging repository (Spec. 3:5-7). According to Appellants, the repository has an imaging data store for storing the imaging data and a composition store for storing imaging compositions having links to the imaging data (Spec. 3:7-11). Claim 12, which is illustrative of the invention, reads as follows:

12. A method for transferring scanned imaging data from a scanning device to a personal imaging repository having one or more imaging data stores for storing the imaging data of a user and a composition store for storing imaging compositions having links to the imaging data, said method comprising:

receiving the scanned imaging data;

obtaining, by the scanning device, user information relating to the personal imaging repository that identifies an imaging data store and a composition store associated to the user;

connecting, by the scanning device, with the imaging data store of the personal imaging repository indicated from the user information;

transferring, by the scanning device, the scanned imaging data to the imaging data store; and

storing by the scanning device, in the composition store associated to the user, a link reference that identifies a location of the scanned imaging data where the composition store maintains a plurality of link references to a plurality of imaging data that may be stored in separate imaging data stores.

The Examiner relies on the following prior art in rejecting the claims:

Ogawa	US 6,115,739	Sep. 5, 2000
Angelo	US 6,182,892 B1	Feb. 6, 2001
Creamer	US 6,930,709 B1	Aug. 16, 2005
		(filed Dec. 3, 1998)

Claims 12-19 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ogawa.

Claims 1-9 and 21-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa and Creamer.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogawa, Creamer, and Angelo.

Rather than repeat the arguments here, we make reference to the Briefs and the Answer for the respective positions of Appellants and the Examiner.

ISSUE

Appellants' arguments are focused on the anticipation rejection of independent claim 12 and state that the user ID information disclosed in Ogawa are not processed like the claimed link references (App. Br. 10). Appellants assert that unlike the claimed link references that identify a location of scanned imaging data, Ogawa teaches directories for identifying the users, wherein each user of the image scanner registers his/her user ID information in the directory associative file, which identifies a user (App. Br. 11-12). With respect to the obviousness rejections of the remaining claims, Appellants assert that the combination of Ogawa with the other references also fails to teach or suggest storing a link reference to imaging data (App. Br. 13-17).

Therefore, the issue specifically turns on whether Appellants have shown error in the Examiner's position that Ogawa anticipates Appellants' claimed invention by disclosing storing a link reference that identifies a location of scanned imaging data.

FINDINGS OF FACT

The following findings of fact (FF) are relevant to the issue involved in the appeal.

1. Appellants' Figure 3 shows the scan and store process embodied in claim 12 wherein the scanning device transfers the scanned imaging data in the converted format to the imaging data store in block 116 and obtains a reference to the transferred imaging data in block 118 (Spec. 13:16-23).

2. Figure 3 further depicts the process after a successful connection to the composition store is established in block 124 where the scanning device creates an imaging composition in block 128 and adds the reference to the imaging data stored in the imaging data store in the imaging composition in block 130 (Spec. 13:25 – 14:2).

3. Ogawa discloses a network system including an image scanner for reading images and a file server which includes directories created in advance for each user for storing the scanned image data and a memory for storing the relationships of correspondence between identification information on users and the directories associated with users. (Abstract; col. 2, ll. 32-41.)

4. As shown in Figure 4, Ogawa further discloses that each user registers his/her ID information in a directory associative file in advance

such that the dedicated directories are associated with the users. (Col. 4, ll. 45-60.)

5. Figure 5 of Ogawa shows the relationships of correspondence among directories and associated IDs, user names, data indicating issuance of mail, and mail addresses. (Col. 5, ll. 12-14.)

PRINCIPLE OF LAW

A rejection for anticipation requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. *See Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1347 (Fed. Cir. 1999); *In re Paulsen*, 30 F.3d 1475, 1478-79 (Fed. Cir. 1994).

ANALYSIS

Appellants argue that Ogawa stores the image data in a directory associated with the identification information input from the scanner and does not store any information in the directory associative file (App. Br. 11). Appellants further assert that the claimed link reference is a reference to the imaging data that is stored by the imaging device to facilitate locating the imaging data (*id.*). Appellants conclude that Ogawa does not teach all the claimed features since the user ID in Ogawa, which is inputted by the user, is not stored by the scanner and does not identify a location of scanned imaging data (App. Br. 12).

The Examiner takes the position that the term “link reference” does not appear in Appellants’ disclosure and, at best, may be interpreted as a

“hyperlink” that points to a location of a file directory (Ans. 23-24). The Examiner equates the user ID in Ogawa with the claimed “link reference” since the user IDs and their relationships of correspondence to the associated directories determine where the scanned images are to be stored (Ans. 25).

Initially, with respect to the claimed term “link reference,” we agree with Appellants (App. Br. 11) that Figure 3 of the application shows that a reference to imaging data is obtained by the scanner in step 118 and added to the imaging data store in the imaging composition store, as shown in step 130 (FF 1-2). We also agree with Appellants (App. Br. 11) that the term “link reference” is a reference to scanned imaging data obtained and stored by the scanning device (Fig. 3; FF 1-2). As such, contrary to the Examiner’s position (Ans. 26-27) that the claimed “link reference” reads on the user ID in Ogawa, the stored images in Ogawa are not located using a link reference. In fact, Ogawa stores the scanned images in directories that are created in advance while the correspondence between these directories and the user ID are stored in a memory (FF 3).

Therefore, even if the user IDs may be the same as the claimed link references, as argued by Appellants (Reply Br. 2-3), the user IDs in Ogawa are inputted by the users (FF 4), and not stored by the scanning device. Additionally, the user IDs are merely used to define the relationships of correspondence between the user information and the pre-created directory associated with that user (FF 5). As such, we do not find that the user IDs are the same as the claimed link references in a composition store referring to the location of a scanned image within the imaging data store and a composition store.

CONCLUSION

On the record before us, we find that Appellants have shown error in the Examiner's position that Ogawa anticipates Appellants' claimed invention by disclosing storing a link reference that identifies a location of scanned imaging data. Therefore, in view of our analysis above, the 35 U.S.C. § 102 rejection of claims 12-19 as anticipated by Ogawa cannot be sustained. Additionally, we do not sustain the 35 U.S.C. § 103 rejection of claims 1-10 and 21-23 since the Examiner has not identified any teachings in Creamer or Angelo to overcome the deficiencies discussed above.

ORDER

The decision of the Examiner to reject claims 1-10, 12-19, and 21-23 is reversed.

REVERSED

babc

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